



Federal Communications Commission
Washington, D.C. 20554

DA 10-2336
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Chicago Media Action and Milwaukee Public Interest Media
Coalition
c/o Andrew Jay Schwartzman, Esq.
Media Access Project
Suite 1000
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Re: Application for Review filed by Chicago
Media Action and Milwaukee Public Interest
Media Coalition

Gentlemen:

We have before us the Application for Review (“Application”) filed on February 16, 2010, by Chicago Media Action (“CMA”) and Milwaukee Public Interest Media Coalition (“MPIMC”) and the responsive pleadings thereto. For the reasons set forth below, we dismiss the Application.

In the Application, CMA/MPIMC allege staff error of law in a series of decisions related to their petitions to deny the license renewal applications of television stations serving the Chicago and Milwaukee markets for failure to present adequate coverage of state and local elections during the final four weeks of the 2004 campaign.¹ These latest allegations, however, are untimely and do not warrant further consideration.

Section 1.115(d) of the Commission’s rules provides that an application for review “shall be filed within 30 days” of public notice of the action at issue.² CMA/MPIMC satisfy this requirement only with respect to the *2010 Letter Decision*, which correctly dismissed their Second Petition for Reconsideration as repetitious.³ They cannot, however, seek review of a procedurally faulty pleading and, thereby, bootstrap substantive arguments that otherwise would be untimely.

¹ *Chicago Media Action and Milwaukee Public Interest Media Coalition*, 22 FCC Rcd 10877 (Vid. Div. 2007); *Chicago Media Action and Milwaukee Public Interest Media Coalition*, 23 FCC Rcd 10608 (Vid. Div. 2008); *Chicago Media Action and Milwaukee Public Interest Media Coalition*, 25 FCC Rcd 167 (Vid. Div. 2010) (“*2010 Letter Decision*”).

² 47 C.F.R. § 1.115(d).

³ See *Great Lakes Broadcast Academy, Inc.*, Memorandum Opinion and Order, 19 FCC Rcd 11655, 11656 (2004) (observing that “neither [the Communications Act of 1934, as amended, nor the Commission’s rules] provides for the filing of a second petition for reconsideration should the original petition be denied” and that “[i]f the ‘tacking’ of petitions were permitted, Commission actions might never become final and the rule would become nugatory”) (citing *Brainerd Broadcasting Co.*, 25 RR 297, 298 (1963)).

Accordingly, the Application for Review filed by Chicago Media Action and the Milwaukee Public Interest Media Coalition **IS DISMISSED**.

Sincerely,

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